

1 WO
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Quanta Indemnity Company,) No. CV 11-1807-PHX-JAT
10 Plaintiff,)
11 vs.)
12)
13 North American Specialty Insurance)
14 Company; General Fidelity Insurance)
15 Company; Amberwood Development Inc.;)
16 Amberwood Homes LLC; Roll Tide LLP;)
17 Summerset Marketing Enterprises Inc.;)
18 Winston Casas LLC,)
19 Defendants.)
20 _____)

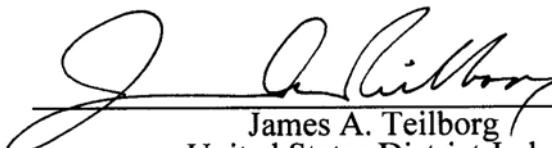
21 On June 14, 2012, the Court ordered Plaintiff to file a supplement to the first amended
22 complaint to allow this Court to independently review its jurisdiction. Plaintiff filed a second
23 amended complaint. An amended complaint completely supersedes the prior complaint.
24 *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997). Accordingly, a party cannot
25 use an “et al.” designation on an amended complaint. Additionally, the Court allowed a
26 supplement to the amended complaint under Federal Rule of Civil Procedure 15(d), not a
completely amended complaint under 15(a). For both of these reasons, the second amended
complaint, filed without leave of Court, is improper.

27 Therefore,

28 IT IS ORDERED striking the second amended complaint (Doc. 47).

1 IT IS FURTHER ORDERED that Plaintiff must file the supplement required by this
2 Court's order of June 14, 2012, by June 28, 2012.¹

3 DATED this 26th day of June, 2012.

4
5 
6 James A. Teilborg
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 ¹ Plaintiff is cautioned that saying "none of the individuals or partners of Amberwood
27 Homes, Roll Tide, L.L.P, Summerset, or Winston Casas are citizens of Colorado or New
28 York" is inadequate to plead jurisdiction. Plaintiff must name every member or partner and
state their citizenship to allow this Court to independently consider its jurisdiction.